

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT IN AND FOR THE
WESTERN DISTRICT OF WASHINGTON

AUTUMN ST. GEORGE,

Plaintiff(s),

NO. 18-CV-05372-RJB

v.

STIPULATED MOTION AND ORDER TO
CONTINUE CASE SCHEDULE

SEQUIM SCHOOL DISTRICT,

Defendant(s).

NOTING DATE: DECEMBER 11, 2018

I. INTRODUCTION

The parties, by and through their counsel of record, move this court for a continuance of the case ordering schedule pursuant to Fed. R. Civ. P. 16(b)(4); LCR 16(b)(4); LCR 7(d)(i); LCR 10(g), and the Court's recent Order amending the trial date. Dkt. #20. The parties seek to extend the remaining deadlines in the case scheduling order by four weeks, including the deadline for disclosing expert testimony, while leaving the current trial date of July 15, 2018, unchanged.

II. BACKGROUND

Plaintiff filed her Complaint for Damages on May 11, 2018. This matter was originally set for trial on June 10, 2019. Dkt. #10 at p. 1. Recently, on November 6, 2018, the Court moved the trial date to July 15, 2018. Dkt. #20 at p. 1. All remaining deadlines were unchanged. On October

STIPULATED MOTION AND ORDER TO CONTINUE
CASE SCHEDULE - 1
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1 10, 2018, Plaintiff filed her Amended Complaint for Damages, naming three additional individual
2 defendants.

3 Unfortunately, Counsel for the District recently suffered a death in her family, which briefly
4 hampered the discovery process in this case. Counsel for Plaintiff has been understanding, and
5 the parties worked to navigate these difficulties.

6 The parties have been diligent in engaging in discovery and seeking early resolution.
7 Mediation was conducted on August 24, 2018, but the parties were unable to settle the matter.
8 Both served their first Interrogatories and Requests for Production on September 13, 2018. The
9 District provided responses to discovery on October 31, 2018, and is continuing to review large
10 amounts of data potentially responsive to both Plaintiff's discovery responses and Plaintiff's PRA
11 request. Despite multiple diligent attempts, Plaintiff's counsel was unable to provide discovery
12 responses until November 21, 2018, due to technical difficulty. Plaintiff's counsel also served a
13 second set of discovery requests on the District on November 30, 2018. The District is working
14 to respond to Plaintiff's additional discovery requests.

15 Given these circumstances, as well as a desire of the parties to continue resolution
16 discussions, the parties have postponed setting the depositions of Plaintiff, key witnesses, and a
17 Fed. R. Civ. P. 30(b)(6) representative of the District.

18 III. ANALYSIS

19 A court has discretion to grant a motion for continuance as part of its inherent power to
20 control its own docket to ensure that cases proceed before it in a timely and orderly manner.
21 Continuing pretrial and trial dates is within the discretion of the trial judge. *See King v. State of*
22 *California*, 784 F.2d 910, 912 (9th Cir.1986). Case schedules may be modified for "good
23 cause." Fed. R. Civ. P. 16(b)(4); LCR 16(b)(4); LCR 10(g). Whether to grant or deny
24 a continuance of trial is at the discretion of the Court. *Rios-Barrios v. I.N.S.*, 776 F.2d 859, 862–
25 63 (9th Cir. 1985). LCR 10(g) states: "If a stipulated motion would alter dates or schedules

1 previously set by the court, the parties shall clearly state the reasons justifying the proposed
2 change...”

3 An extension of the remaining court deadlines is appropriate to allow the parties to
4 complete discovery and engage in further discussions related to resolution. Given counsel’s
5 personal circumstances and challenges with the initial discovery process, the parties have
6 postponed scheduling depositions of key witnesses and the parties. A four week extension of the
7 remaining deadlines in the case scheduling order will allow for efficient resolution of discovery,
8 and the usual lot of time to prepare for trial, without further delay to either party. Such an extension
9 will not cause prejudice or delay to either party and the effect on the Court’s docket should remain
10 minimal given its previous resetting of the trial date.

11 **IV. CONCLUSION**

12 The parties respectfully request that the Court grant their stipulated motion to continue the
13 case schedule by four weeks because good causes exists for the reasons stated herein. The
14 parties need additional time to complete discovery, and an extension of the case schedule will
15 allow the parties to further engage in settlement negotiations and work toward an early resolution.

16 DATED this 11th day of December, 2018.

17 PREG O’DONNELL & GILLETT PLLC

GALLAGHER LAW OFFICE, P.S.

18
19 By /s/ Jennifer L. Clark
Emma Gillespie WSBA #33255
20 Jennifer L. Clark WSBA #51079
Attorneys for Defendant Sequim School
21 District

By /s/ Daniel C. Gallagher (per email approval)
Daniel C. Gallagher, WSBA #21940
Attorneys for Plaintiff Autumn St. George

1 **ORDER**

2 Based on the foregoing stipulated motion of the parties, for good cause and due to the
3 circumstances set forth above in the stipulated motion; IT IS SO ORDERED that the pretrial
4 case deadlines are hereby continued by four weeks and the Clerk is directed to issue an
5 Amended Order Setting Case Schedule in this matter.

6 DATED this 11th day of December, 2018

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10 ROBERT J. BRYAN
United States District Judge

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12 Presented by:

13 PREG O'DONNELL & GILLETT PLLC

14 By /s/ Jennifer L. Clark

15 Emma Gillespie WSBA #33255
16 Jennifer L. Clark WSBA #51079
Attorneys for Defendant Sequim School District

17
18 Copy received; Approved as to Form; Notice of
Presentation Waived:

19 GALLAGHER LAW OFFICE, P.S.

20
21 By /s/ Daniel C. Gallagher (per email approval)

22 Daniel C. Gallagher, WSBA #21940
Attorneys for Plaintiff Autumn St. George